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I. LAND AND PEOPLE

A. General characteristics of the country

1. The Republic of Peru is located in the southern hemisphere, in the central western part of South America. Its coasts extend along the Pacific Ocean. Since the entire country is located in the tropical zone, its climate should be hot and humid; however, the existence of various geographical features - the Andes, high-pressure movement of air masses from the South Pacific, Humboldt Current, etc. - makes the Peruvian territory geographically complex, not only from a climatic standpoint, but also from the morphological, geological, ecological and economic standpoints.

2. Peru is located between latitudes 0° 01' 48" south and 18° 21' 03" south, and between longitudes 68° 39' 27" west and 81° 19' 34.5" west.

3. The total area of Peruvian territory is 1,285,216 square kilometres.

4. Peru is bounded to the west by the Pacific Ocean and has a coastline of 3,079.5 kilometres. It is also bounded by five South American countries: Ecuador and Colombia to the north, Brazil and Bolivia to the east, and Chile to the south. Peru respects international law and faithfully complies with the international treaties that lay down its geographical limits.

5. Peru is divided into regions, departments, provinces and districts. According to Supreme Decree No. 071-88-PCM, Single Uniform Text relating to the Fundamental Act on Regionalization, which governs procedures for the creation of regions, the territory of Peru is currently subdivided into 12 regions, 24 departments, 188 provinces and 1,793 districts.

6. The Andes mountain chain, where the Inca empire, one of the three most important cultural manifestations of the region, flourished, creates three natural regions: the coastal strip, the Sierra and the jungle. The highest mountain is Nevado Huascarán, which stands 6,746 metres above sea level.

B. Ethnic and linguistic characteristics

7. Peru is a multi-ethnic country with a population made up of 72.62 per cent Spanish-speakers and 27.38 per cent Quechua-speakers. Among the latter, approximately 16 per cent are bilingual (Spanish-Quechua), while only 3 per cent speak another native language. The country has between 64 and 67 ethno-linguistic groups.

C. Ethnic characteristics of the indigenous population

8. The peasant and native communities in Peru number between 4,000 and 4,500. Fifty-three per cent of these communities have Quechua as their mother tongue, 41 per cent Spanish, 4 per cent Aymara and 2 per cent other languages, including native languages of the jungle.

9. Most of the indigenous communities are located in the Sierra region (98.9 per cent), primarily in the departments of Cuzco, Puno and Apurimac in the south and in Ayacucho, Huancavelica, Junín and Pasco in the central area.

10. The more modernized indigenous communities are to be found in the departments of Pasco and Junín, an area noted for its mining enclaves, while the more traditional communities are located in relatively less developed areas, such as Ayacucho, Huancavelica, Apurimac, Cuzco and Puno.

11. One of the main features of the indigenous communities is farming. A very important component of this priority economic activity is communal labour performed according to the principle of reciprocity, a form of labour that goes back to the Inca period and consists of an individual and equal exchange of services or goods, including agricultural labour, assistance, lending of tools, materials, etc. It is also customary for one person to be assisted by many, with an obligation to reciprocate; this includes agricultural tasks and cooperation in various economic and social tasks.

12. The native communities are tribal groups in the jungle and jungle rim with clustered or dispersed settlements principally located in the departments of Loreto, Junín, Ucayali, Amazonas, Cuzco and Madre de Dios. They represent some 55 ethno-linguistic groups belonging to over 12 linguistic families, the largest being the Campas, Aguaruna and Shipibo-Conibo.

13. The native communities have developed agriculture as an activity to supplement hunting, fishing and gathering.

14. The native communities live in clearly identifiable ecological zones: tropical dry forest, subtropical rain forest and tropical rain forest scattered over large catchment areas. The total or partial plundering of the flora and fauna and the serious effects of drug-trafficking on the environment place the survival of these communities at serious risk.

D. Demographic characteristics

15. Population censuses in Peru date back to the Inca period. Subsequently, the first documented census was conducted by the Spaniards during the colonial era in 1548 and indicated a population of 8.3 million inhabitants in the Viceroyalty of Peru. During the Republican era, national censuses were held in 1836, 1850, 1862 and 1876. The most recent censuses at the national level were conducted in 1940, 1961, 1972, 1981 and 1993.

16. On the basis of the 1981 census, it was estimated that the population of the country would be in the vicinity of 23 million in 1993. According to the preliminary findings of the census held in July 1993, the population was 22,128,466. This figure is made up of the nominally registered population (22,048,356), the population omitted from the register (531,543) and the population of the Native Communities of the Peruvian Amazon, which it is impossible to register on account of difficulties of access and isolation (59,544).

17. The urban population is 15,458,599, i.e. 70.01 per cent of the total, while the nominally registered population of rural towns and villages is 6,589,757, i.e. 29.9 per cent. The 1993 census figures show that Peru's male population is 10,956,375, i.e. 49.7 per cent of the total, and its female population 11,091,981, i.e. 50.3 per cent of the total. There are thus more women than men in Peru.

18. The national demographic context between 1970 and 1990 reflected the principal characteristics of the world and regional demographic expansion, with unprecedented growth that reached its highest level at the end of the 1970s. In those two decades the Peruvian population increased by 60 per cent, reaching 21,550,300, slightly less than the Latin American average, at the end of that period. This population volume was attained during a period of the Peruvian demographic process when fertility, which had previously been maintaining high levels, was beginning to decline, causing the rate of population growth to decrease.

19. The most critical stage in this process occurred between 1961 and 1970, when demographic growth speeded up considerably, attaining an annual average rate of 2.8 per cent, higher than the Latin American average, and when, in addition, the highest growth rate in the country's history (2.9 per cent for the period 1961-1966) was attained. From that time on, our population's relative growth rate fell steadily, declining to 2.1 per cent in 1990. Despite this decrease, the total population is continuing to increase, considering that relatively speaking the increase between the 1981 and the 1993 census was 27.2 per cent, owing to the age structure of the population, which has a preponderance of younger age groups.

20. The greatest influence on these changes in the growth of the Peruvian population has undoubtedly been exerted by the variations in the birth and death rates, since emigration acquired relative significance only at the end of the period. The gross birth rate, which was 42.4 births per 1,000 inhabitants in 1970, decreased to 29.8 in 1990, as a result of the drop in the global fertility rate which, until 1970, had been 6.2 children per woman, and which fell to 4.9 in 1980. According to the 1993 census, the average number of live births per woman in Peru is 2.2. This figure is lower than in the 1981 census, when it was 2.4.

21. Mortality has been falling in recent decades; between 1970 and 1990 the frequency of deaths declined from 13.5 to 8.2 per 1,000 inhabitants. Similarly, the average life expectancy of our population grew by 9.4 years during that period, life expectancy at birth increasing from 54.0 years to 63.4 years. The infant mortality rate showed a similar trend, dropping from 116 per 1,000 live births in 1970 to 102 in 1981 and 81 in 1990.

22. It should be noted that, according to recent findings of the Demographic and Family Health Survey (ENDES 1990-1992), the infant mortality trend over the past two decades has been approximately 20 per cent lower than official projections, which suggests that levels had been overestimated. Nevertheless, infant mortality in Peru is still very high and continues to be above the Latin American average.

23. Despite the decrease in fertility mentioned earlier, the age structure of the Peruvian population will continue to be relatively young for several more years, and the number of minors will continue to increase. From 1970 to 1990 the proportion of minors dropped from 44.7 per cent to 37.6 per cent, a relatively large decrease. According to the 1993 census, over one third of the Peruvian population (37.0 per cent) is under 15, a percentage that has declined in comparison with previous censuses, but which continues to generate a critical demand for health services, education, etc. At the same time the

percentage of persons aged between 15 and 64, which make up the potential labour force, has continued to increase, from 54.7 per cent in 1981 to 58.4 per cent in 1993. In absolute terms the increase was 3,566,947.

24. The proportion of the population classified as "elderly", i.e. 65 and above, rose during the last 12 years from 692,680 (4.1 per cent) in 1981 to 1,026,119 (4.6 per cent) in 1993.

25. As regards population density, which shows the degree of concentration of the population, Peru is below the Latin American average (17.6 as against 22 inhabitants per km^2). Lima and the Constitutional Province of Callao have over 100 inhabitants per km^2, while relatively large departments or those in or on the edge of the jungle, such as Pasco, Amazonas, Moquegua, Ucayali, Loreto and Madre de Dios, have less than 10 inhabitants per km^2, which indicates that the population is still centrally concentrated.

E. Socio-economic indicators

26. The percentage of people of working age rose from 51.8 in 1970 to 58.6 in 1990. In absolute figures, this meant that the labour force nearly doubled, entailing a demand for the creation of an additional 283,000 jobs per year on average. According to the 1993 census, Peru's economically active population (EAP) comes to 7,109,527, i.e. 51.2 per cent of the population of working age. This category includes all people aged 15 and over. According to this latest census, the economically inactive population amounts to 6,783,453, i.e. 48.8 per cent of the population of working age.

27. The 1993 census figures indicate that more women have joined the labour force. From 25.5 per cent in 1991, their share rose to 29.7 per cent in 1993. The male EAP fell during the same period from 79.7 to 73.4 per cent, although men still make up the bulk of the labour force.

28. In the economic sphere, over the past four decades total production and per capita production have not increased significantly. From 1960 to 1990, the gross domestic product (GDP) grew at an average annual rate of 2.7 per cent, very similar to the population growth rate, which was 2.8 per cent between 1961 and 1972 and 2.6 per cent between 1972 and 1981. However, in the 1980s GDP dropped by an annual average rate of 0.6 per cent. Thus, with the population growing at an average rate of 2.6 per cent between 1960 and 1990, per capita income decreased by an average of 0.03 per cent a year.

29. As a result of this demographic trend, together with the deterioration of the economic structure and its failure to meet the growing population's needs, which intensified in the 1980s, there was a steady decline in the quality of life of Peruvian families and a widespread increase in poverty. It also contributed to an increase in violence, which has had serious consequences for society as a whole.

30. Not only did the insufficient growth in national production and the population increase combine to accentuate the deterioration in the quality of life, but the distribution of national income reached its highest levels of

concentration precisely in the decade of the greatest economic recession. Thus beginning in 1973, when wages attained 42.2 per cent of national income, they steadily decreased to 29.9 per cent of national income in 1988, the lowest level for the period.

31. The resulting fall in total investment, especially private investment, led - from the mid-1970s onwards - to a restriction in the expansion of modern productive activity, which could not continue to create sufficient employment.

32. Consequently, a high percentage of the population living in the cities and/or having migrated from rural areas created their own jobs, giving rise to a significant sector known as the self-employed, unstructured or informal urban sector. According to 1981 estimates, this sector represented 60 per cent of the urban labour force, and by 1990 it had grown further. The limitations on demand that restrict growth of the formal sector also affect the informal sector; consequently, the expansion of the informal sector, under the pressure of a growing labour supply due to population increase, ultimately causes the average income of its members to decline.

33. The changes in the production structure were accompanied by an urbanization process which, in recent decades, has oriented population distribution towards the major coastal cities, especially metropolitan Lima. After 1960, the highest population growth rate occurred during the period 1961-1970 (2.8 per cent annual average), which also had the highest urbanization rate (5.1 per cent annual average). According to the latest census, the population of Peru's urban centres is as much as 15,458,599, i.e. 70.1 per cent of the national population. The registered population of Peru's rural population centres is 6,589,757, i.e. 29.9 per cent of the registered population. These figures show that Peru's population continues to be concentrated in urban centres.

34. The growth of the urban population has not occurred as a result of the industrialization process. The period in which the highest growth rate of the urban population occurred, 1961-1970, was not the period of highest growth of the industrial product or even of the total product. It was the precarious rural situation, the result of the dearth of arable land per agricultural worker, the low investment in production infrastructure and the effective loss of capital investment characterizing agriculture for several decades that drove the rural population to the cities on a massive scale, giving rise to pockets of poverty in the main cities.

35. The migration and urbanization processes of the past 20 years have been characterized by a higher rate of growth of medium-sized cities as compared with metropolitan Lima. These cities (departmental and provincial capitals) have achieved accelerated growth through migration from the countryside and expectations of finding greater advantages in medium-sized and small cities because of the emergence and vitality of the local and regional markets that make up urban systems in several areas of the country, such as the southern Andean region (Cuzco, Sicuani, Juliaca, Puno), which is linked to a market extending into Bolivia, the northern coast (Piura, Sullana, Tumbes), the southern coast (Arequipa, Moquegua, Ilo, Tacna), and the jungle region (Pucallpa, Tarapoto, Moyobamba).

36. According to data from the ninth population and fourth housing censuses, 4,921,020 persons stated they were born in a different locality from their place of residence at the time of the census. This figure represents 22.3 per cent of the registered population, 1.1 per cent of whom are aliens. Most of the migrants moved to Lima, where they make up 36.7 per cent of the population.

37. Another factor contributing to the migration to medium-sized cities is displacement due to the indiscriminate violence perpetrated by terrorist groups. These are forced displacements, people suddenly being obliged to leave their villages of origin or residence and their jobs.

38. Since the early 1980s, the phenomenon of violence-related displacement has affected at least two thirds of the national territory, substantially changing the demographic pattern of the regions and everyday living conditions. Although it has not yet been possible to assess this phenomenon quantitatively, some 600,000 people (120,000 families) are estimated to have been affected.

39. Recent estimates indicate that approximately 54 per cent of persons displaced during the 12 years of terrorist violence have moved within their department, while the rest have migrated elsewhere. The departments with the most displaced persons are Ayacucho, Huancavelica, Apurimac and Junín. These departments are areas both of expulsion and reception. The departments receiving the most displaced persons are Lima, Ica, Ayacucho, Apurimac and Junín. Ayacucho, the epicentre of the terrorist movement, is the department that produces the most internally displaced persons, most of whom belong to peasant communities. Ayacucho is the department where the situation is the most critical, as it has both the highest expulsion and reception figures, with urban Ayacucho accommodating 30 per cent of all Peru's displaced persons.

40. There have been three major waves of internal displacement due to violence in Peru:

(a) 1983-1986: This period coincided with the outbreak of violence by "Sendero Luminoso" in the department of Ayacucho and the Government's first attempts to check it. At that early stage displaced persons were mainly from Ayacucho and managed to find places for themselves, albeit with great difficulty, in the marginal zones of the capital cities;

(b) 1987-1989: Terrorist violence increased in response to anti-terrorist activity by the military, the first attempts at popular resistance with the formation of the self-defence "peasant patrols" and the successful initiative of self-managed grass-roots organizations opposed to violence;

(c) 1990-1992: A new migration flow arose as a result of the so-called "exemplary actions" and intensification of violence by "Sendero Luminoso".

41. The last two waves of migration have encountered conditions in the receiving areas that make permanent resettlement practically impossible, as virtually all of them have no other solution than to eke out a living in the informal sector, where they are compelled to perform poorly paid work in a

highly competitive market. The improved security they had hoped to find in the fringe urban areas proved elusive, conditions being hardly any different from those in the countryside, owing to the change in terrorist strategy, which aimed at greater activity in the cities during 1989-1990 and at eliminating popular resistance by means of selective murders and forcible recruitment.

42. Displacement has mainly involved the Andean and indigenous peasant population (approximately 70 per cent of displaced persons), while some 20 per cent has arisen from fringe urban sectors and rural district capitals and 10 per cent middle and high-level strata.

43. In these circumstances, women have played a more leading role, partly by preserving the family, which has been deeply affected in a number of ways, ranging from the disappearance of familiar surroundings and disintegration, to the death of family members and the ceaseless exposure to high-risk situations, and partly by entering the production sector, helping to organize the community for survival, etc.

44. The National Technical Commission on Displaced Populations was established in August 1991 for the purpose of undertaking a multi-disciplinary diagnosis of the problem, with the participation of representatives of NGOs, the defence sector, the Catholic Church and other bodies. On 8 December 1993, the Government established the Assistance Project for Returnees (PAR), within which the National Institute for Development (INADE) is currently comprehensively dealing with all aspects of internal displacement and coordinating international cooperation. The ultimate objective of the Government's commitment to dealing with the problem of displaced persons is to ensure their return, with proper guarantees for their safety and the satisfaction of their basic needs for survival. The policy of returning displaced families to their places of origin is deliberate and organized collectively through organizations such as the Lima Association of Displaced Families.

45. Although international law contains mechanisms for protecting refugees, who are cross-border migrants, it is for each affected State to solve the problem of internally-displaced persons. Peru has indicated to the international community that, while the international community is examining the problem from a global standpoint and deciding which legal and political criteria the multilateral organizations will adopt in order to avert the problem, it is essential to begin emergency action in support of national efforts to prevent these internal migratory movements from becoming refugee flows.

46. It is estimated that approximately 200,000 people emigrated from Peru between 1980 and 1990.

47. Because of the years of economic crisis, it is impossible for stabilization programmes and structural reforms to relieve poverty significantly in the short term. The Government has accordingly reformulated social policy to meet the basic needs of the most vulnerable sectors of the population, without resorting to populist measures that distort market signals and impede economic growth.

48. The standards of living survey carried out in October and November 1991 (ENNIV IV) found that approximately 13 million Peruvians live in poverty. The problem has been aggravated by economic crisis of recent years. The gradual spread of poverty is reflected in the 46 per cent decline in consumer spending in metropolitan Lima between 1986 and 1990, followed by a further 39 per cent decline between June 1990 and October 1991, as revealed by the 1991 standards of living survey. Poverty has spread and diversified as a result of the deterioration of the standards of living of Peru's population.

49. There are many causes of poverty in Peru. In overall terms, it is reflected in the dramatic drop in GDP, which fell from a maximum index of 109 per cent in 1981 to a minimum of 92.4 per cent in 1992. The decline is attributable both to the loss of dynamism in the productive economy after the end of the 1970s, despite a slight revival in 1993 and 1994, and to the high rate of population growth throughout the period.

50. Even when private investment, national and foreign, generates higher employment levels for the economically active population, it is unrealistic to expect the jobs created to be sufficient to satisfy the demands of the population. As a result, the current deficit in the satisfaction of basic needs will tend to continue for a long time, although it may decrease by comparison with total production or the number of persons in need.

51. The extent of the problem is reflected in the global social deficit, the difference between levels of consumption and the levels required for everyone to have access to a full basic food basket, which amounts to about US$ 15 billion annually. The urgent social deficit, for the poorer half of the population, amounts to US$ 2.8 billion, while the food deficit of the first three deciles, where extreme poverty is concentrated, amounts to US$ 1.1 billion.

52. The indicators of support action by the State show a lamentable falling-off; State social spending has fallen steadily since 1986, chiefly in the education and health sectors. The programme of action provides for selective and focused geographic intervention, based on the poverty map, with priority being given to the creation of basic institutional capacities in health services, improvement of the quality of primary education with a view to making it universal, and the administration of justice.

53. Jobs will be created in the rural and marginal urban areas through investment in the social infrastructure and support for production linked to meeting basic needs, especially food supplements for the sectors most at risk.

54. The Inter-Ministerial Commission for Social Affairs (CIAS), subordinate to the President of the Council of Ministers, is responsible for government policy and action for poverty relief and social support. It will have the support of the Compensation and Social Development Fund (FONCODES) and the Social Development Committees (COMDES), which will be established as ad hoc sectoral technical bodies.

55. The Emergency Social Programme (PES) came into operation in August 1990 as a result of the new Government's stabilization programme, which was designed to provide temporary assistance for Peru's poorest and which

continued until March 1991. The programme was mainly active during its first few months, when it received a large volume of donations in the form of food and medicines, which were directed to families through mothers' clubs, soup kitchens and the Church. In subsequent months the programme slowed down for lack of funds.

56. In August 1991 the Government promulgated Legislative Decree No. 657, setting up the National Compensation and Social Development Fund (FONCODES), with the aim of financing social investment projects throughout Peru. Two lines of funding were established: social support and the development of productive employment in the areas of health, food, basic education, infrastructure, etc. for the benefit of the poor. The target population for FONCODES projects is the group affected by extreme poverty, and within that group, the most vulnerable individuals. FONCODES divided its lines of action into three sectors:

(a) Social welfare, particularly in the areas of health, nutrition, work and education;

(b) Social infrastructure, construction projects in the areas of sanitation, education, nutrition and health and civil engineering projects in the highways and energy sectors;

(c) Overall support for production: financing for productive activities, support for small and microenterprises, reforestation, small-scale fishing, etc.

The fund's resources consist mainly of government allocations, donations, and non-repayable contributions from foreign Governments, foundations and international organizations.

57. There is currently a widespread self-help network operating throughout Peru, based on the various community organizations, which provide a rapid response to family problems.

58. Recent years have shown the collective organizational capacity and determination of the poor. There has been an increase in mothers' clubs, "Vasos de leche" (glasses of milk), low-income cafeterias and other neighbourhood associations which have provided manpower that is difficult to quantify and served as an invaluable foundation for a number of social-support programmes already under way such as the "Vasos de leche", "The school defends life" and various types of self-managed low-income cafeterias.

59. Active participation by the NGOs, the Church and private business has been an important factor in social development.

60. An objective analysis and understanding of the country's situation require a brief description of the explosion of terrorist violence in Peru from 1980 onwards and the emergence of the terrorist movement "Sendero Luminoso", which makes use of a complex phenomenon of structural violence dating back to the political domination and social contradictions introduced by the conquest. These have been building up and becoming more acute with time and culminated in the complete abandonment by the State of large areas of the national territory.

61. The return to the constitutional system in 1980 has been marked by a growing economic crisis, a more important role for the grass-roots organizations, an unprecedented volume of drug-trafficking and the overwhelming of obsolete State structures. Paradoxically, the new democratic regime appeared at the same time as the first terrorist action by "Sendero Luminoso".

62. In 1989, the Senate Committee on Violence and Peacemaking in a report described the various formative stages of the ideological conception of "Sendero Luminoso", from the application of Marxism-Leninism-Maoism to the beginning of the so-called armed struggle in 1980, developed along the lines of the "thinking of Gonzalo", according to which the gang's ringleader, Abimael Guzmán Reynoso, also known as "Comrade Gonzalo" or "President Gonzalo", claims to have arrived at a theoretical dialectical synthesis of Marxism.

63. "Sendero Luminoso" initially portrayed itself to world public opinion as a group defending the peasants and indigenous communities which were being dominated and exploited by an alleged dictatorial Government in Peru, an image which is totally false in the light of the crimes against humanity committed. Initially, its attacks were more specifically though not exclusively aimed at military installations and its first victims were political authorities.

64. From 1989 onwards, however, "Sendero Luminoso" considered it had secured a so-called "strategic balance" with the State forces and decided to begin a new stage by aggravating social contradictions. It denounced the United Nations and the international human rights bodies, and non-governmental organizations engaged in promoting and safeguarding human rights, and began openly to escalate its murders of humble grass-roots leaders, priests of all denominations, foreign voluntary workers, politicians from all parties and anyone who favoured a peaceful solution and opposed violence, as well as ordinary citizens. The world finally understood the real terrorist nature of "Sendero Luminoso" when, in horror, it saw a family apartment building in a residential area of Lima destroyed by a car bomb and its residents killed.

65. "Sendero Luminoso" has been compared by leading international political analysts with the tragic Pol Pot regime in Cambodia. Through its official journal El Diario Internacional, which is published in an important European country with the backing of libertarian theories, "Sendero Luminoso" has stated that 2 million Peruvians need to be murdered in order that a new "people's State" may be built; it is in actual fact a terrorist group whose actions, which constitute ordinary crimes under Peru's domestic law and crimes against humanity under international law, may in no way be treated as political crimes.

66. The Tupac Amarú Revolutionary Movement (MRTA) is another terrorist group that emerged in 1984 and claims to be the armed representative of the "new left". Unlike "Sendero Luminoso", it claims to be a guerrilla group, although in practice its "guerrilla" tactics spill over into terrorist actions (hold-ups and abductions) and it is branded by violence.

67. Indiscriminate terrorist violence in Peru has taken a tragic toll of over 27,000 human lives and is responsible for creating a huge population of displaced persons and orphans. A further factor to be borne in mind is the psychological impact on the terrorized population, particularly the youngest, who have been unable to develop normally or lead peaceful lives for more than a decade.

68. The objective of the terrorist groups is to cause the greatest possible economic damage in order to paralyse the country's economic activities. Estimates of damage indicate that Peru has sustained losses of the order of US$ 21 billion, equivalent to the entire foreign debt, in addition to the resources directly assigned to efforts to combat terrorism.

69. Economic reports generally emphasize the direct costs of the destruction of production resources, electricity pylons, roads, bridges, shopping centres, factories, public institutions, banks, etc.

70. An estimate should also be made of the opportunity costs, i.e. the benefits not obtained because of the attacks, the flight of domestic and foreign investment, and the paralysis of tourist services, etc.

71. The introduction of a new anti-terrorism strategy aimed at organizing the people's strong rejection of terrorist methods has already had its first major successes: on 10 September 1993, the main leader of "Sendero Luminoso" was captured, together with 95 per cent of the gang's other leaders, who are now being held in high-security prisons, thanks to anti-terrorist legislation, such as the Ley de Arrepentimiento (Repentance Act).

72. Guzmán's arrest has halted the escalation of terrorism. For the first time, the Government is taking the initiative through a comprehensive anti-terrorism policy.

73. Another result of the Government's anti-terrorism drive has been the arrest of the main leaders of the MRTA. In addition, collusion between the MRTA and drug-traffickers, bank raids and the "war dues" collected from shopkeepers and businessmen played a role in the dismantling of this terrorist group from within; in recent years it has simply become a gang of criminals.

74. Peru has pressed for the development of legal doctrine to enable international law to cover terrorism as a violation of human rights and to initiate joint action by the international community in order to punish the offence of terrorism and eventually eradicate it altogether.

F. Cultural indicators

75. The illiteracy rate in Peru decreased sharply from 57.6 per cent in 1940 to 18.1 per cent in 1981. During the period 1983-1991, the illiteracy rate among the population aged 15 and over fell from 16.0 to 10.7 per cent. According to the 1993 census, there are 1,784,281 illiterates in Peru, 15,177 (0.8 per cent) fewer than in 1981. The decline in the number of illiterates between the two censuses is attributable to the decline in rural illiteracy. There were 151,036 fewer illiterates in rural areas, whereas the number or urban illiterates rose by 135,859.

II. GENERAL POLITICAL STRUCTURE

A. General legal framework

76. The Peruvian Constitution, which was formulated by the Democratic Constituent Congress elected for that purpose and composed of 80 members, was put to a popular vote and approved by referendum on 31 October 1993. The President of the Republic promulgated the Constitution on 27 December 1993.

77. Peru is a country that has been moulded by thousands of years of pre-Colombian development and 500 years of Western culture; the Constitution accordingly defines Peru as a multi-ethnic and multicultural country.

78. The Constitution's first provisions relate to the fundamental rights of the individual, its first article stipulating: "The defence of the individual and respect for his dignity constitute the supreme purpose of society and the State."

79. The rights of the individual established in the Constitution are covered by the main provisions of the Constitution of 1979; however, new concepts have been incorporated with a view to strengthening national integration.

80. One of the main innovations of the new Constitution is the incorporation of measures to ensure public participation, through the right of legislative initiative, the right to remove authorities and the right to participate in a referendum, the means by which the electorate approved the present text of the Constitution.

81. One of the fundamental political objectives of this Constitution has been to achieve an appropriate balance of powers, strengthening the effectiveness of the Council of Ministers and Congress itself, together with appropriate municipal decentralization.

B. System of Government

82. In Title II ("The State and the Nation") of the Constitution, article 43 stipulates that "The Republic of Peru is democratic, social, independent and sovereign. The State is an indivisible whole. Its Government is unitary, representative and decentralized, and shall be organized in accordance with the principle of the separation of powers."

83. It is further stipulated that "The power of the State originates from the people. Those who exercise it do so with the limitations and responsibilities laid down by the Constitution and the laws."

C. The Executive

1. The President and Vice-President of the Republic

84. The President of the Republic is the Head of State and personifies the Nation. In order to be elected President of the Republic, a person must be Peruvian by birth, be at least 35 years of age at the time of his candidature and enjoy the right to vote.

85. The President of the Republic is elected by direct suffrage, the candidate who obtains more than half the votes being elected. Spoiled or blank ballot papers are regarded as invalid. If none of the candidates obtains an absolute majority, a second election is held within 30 days of the proclamation of the official results between the two candidates who obtained the greatest number of votes. Together with the President of the Republic, two vice-presidents are elected in the same manner, with the same requirements and for the same term.

86. The mandate of the President is for five years; he may be re-elected for an additional period. Once a minimum period of a further constitutional term has elapsed, a former President may stand for election again subject to the same conditions.

87. The Constitution also establishes the grounds on which the presidency may be relinquished or suspended.

88. The President of the Republic has the following powers, among others:

(a) To execute and enforce the Constitution and treaties, laws and other legal provisions;

(b) To represent the State, within and outside the Republic;

(c) To direct the general policy of the Government;

(d) To watch over the internal order and external security of the Republic;

(e) To convene elections for the office of President of the Republic, elections of members of Congress, and elections for the offices of mayor, alderman and other offices stipulated by law;

(f) To convene Congress as an extraordinary legislature and, in this case, sign the convocation decree;

(g) To address messages to Congress at any time and on an obligatory basis, personally and in writing, when the first annual ordinary legislature begins its sitting;

(h) To establish regulations for laws without transgressing or distorting them, and within those limits, issue decrees and decisions;

(i) To execute and enforce the sentences and decisions of the jurisdictional organs;

(j) To execute and enforce the decisions of the National Election Board;

(k) To direct external international relations policy, and conclude and ratify treaties;

(l) To preside over the national defence system, and organize, distribute and direct the use of the armed forces and the National Police;

(m) To adopt the necessary measures for the defence of the Republic, the integrity of the territory and the sovereignty of the State;

(n) To declare war and sign peace treaties, with the authorization of Congress;

(o) To order extraordinary measures, by means of emergency decrees having force of law, on economic and financial matters, and whenever required by the national interest, with responsibility for reporting to Congress, which may in turn amend the said emergency decrees; and

(p) To exercise such other functions of government and administration as the Constitution and laws may entrust to him.

89. There are currently 13 ministries: Foreign Affairs; the Interior; Justice; Defence; Fisheries; Agriculture; Economy and Finance; Education; Health; Labour and Social Advancement; Energy and Mines; Transport, Communications, Housing and Construction; Industry, Tourism, Integration and Collective Bargaining.

2. The Council of Ministers

90. The Council of Ministers is composed of the Ministers of State; it has a President, who is appointed and removed from office by the President of the Republic.

91. The Council of Ministers is responsible for the administration and management of public services, each Minister being responsible for matters falling within his portfolio. Acts by the President of the Republic lacking ministerial approval are null and void.

92. The President of the Council of Ministers, who may be a minister without portfolio, has the following responsibilities:

(a) To act, after the President of the Republic, as the authorized spokesman for the Government;

(b) To coordinate the functions of the other Ministers;

(c) To approve legislative decrees, emergency decrees and the other decrees and decisions provided for by the Constitution and the law.

93. In order to be a Minister of State, a person must be Peruvian by birth, have citizenship rights and be at least 25 years of age. Members of the armed forces and the National Police may be Ministers.

94. Among the powers of the Council of Minsters, we would mention the following:

(a) To approve such bills as the President of the Republic may submit to Congress;

(b) To approve such legislative decrees and emergency decrees as may be issued by the President of the Republic, and bills, decrees and decisions as provided for by law;

(c) To discuss matters of public interest; and

(d) Other matters as entrusted to it by the Constitution and the law.

95. Any decision by the Council of Ministers requires the approval of the majority of its members and must be placed on record. Ministers may exercise no public office other than that of legislator.

96. It is considered that Ministers are individually responsible for their own acts and for the presidential acts they approve.

97. All Ministers are jointly responsible for any criminal acts or acts in violation of the Constitution or the laws perpetrated by the President of the Republic or agreed on in the Council, even if they withhold their vote, unless they resign immediately.

98. Within 30 days of taking office, the President of the Council must go before Congress, together with the other Ministers, to explain and discuss the general policy of the Government and the principal measures required for the implementation of this policy. For this purpose he submits a confidence motion.

99. The attendance of the Council of Ministers, or of any of the Ministers, is obligatory when Congress summons them in order to question them; the summons must be in writing and be submitted by not less than 15 per cent of the total number of members of Congress.

100. Congress gives effect to the political responsibility of the Council of Ministers, or of the Ministers separately, through a vote of censure or no confidence. The latter motion may be submitted only through ministerial initiative.

101. Any censure motion against the Council of Ministers, or against any of the Ministers, must be submitted by not less then 25 per cent of the total number of members of Congress. To be approved, more than half the total number of members of Congress must vote in favour of the motion. The Council of Ministers, or the Minister censured, is required to resign.

102. The President of the Council of Ministers may introduce a motion of confidence before Congress on behalf of the Council. If the confidence motion is rejected, or if the Council is censured, resigns or is dissolved by the President of the Republic, the Cabinet is in complete crisis.

103. To deal with this situation, the Peruvian Constitution has provided for the possibility that the President of the Republic may dissolve Congress if the latter has censured or expressed no confidence in two Councils of Ministers.

104. The dissolution decree must contain an announcement of elections for a new Congress, which must be held within four months of the date of dissolution, without modification of the pre-existing electoral system. Congress may not be dissolved during the final year of its mandate.

105. Once Congress has been dissolved, a Standing Commission continues to act as a temporary supervisory body; this Commission may not be dissolved. There are no other means of revoking the parliamentary mandate and Congress may not be dissolved under a state of siege.

106. The new Congress may censure the Council of Ministers or deny it a motion of confidence after the President of the Council has reported to Congress on the Executive's acts during the parliamentary interregnum.

D. The Legislature

1. General provisions

107. Legislative authority lies with Congress, which consists of a single chamber and is elected for a five-year term by means of an electoral process organized in accordance with the law.

108. Congress is composed of 120 members, who, in order to be elected, must be Peruvian by birth, be at least 25 years of age and enjoy the right to vote.

109. The members of Congress represent the Nation. They are not subject to a binding mandate or to a parliamentary question procedure; they are not responsible to any authority or jurisdictional body for the opinions they express and the votes they cast in the exercise of their functions; they may not be tried or arrested without prior authorization by Congress or the Standing Commission, except in flagrante delicto.

110. The legislative mandate is non-renounceable. Disciplinary penalties imposed by Congress on representatives entailing suspension from office may not exceed 120 days of the term of the legislature.

111. Congress may initiate investigations on any subject of public interest. When a person has been summoned to appear before a commission responsible for such an investigation, his attendance is compulsory, and subject to the same constraints as those in judicial procedure.

112. The armed forces and the National Police may not enter the premises of Congress without the authorization of the President of Congress.

113. The members of the Congressional Standing Commission are elected by Congress. Their number tends to be proportionate to the number of representatives of each parliamentary group, and may not exceed 25 per cent of the total number of members of Congress.

114. Among the powers of the Standing Commission, we would note the following:

(a) To designate the Comptroller-General, on the nomination of the President of the Republic;

(b) To ratify the designation of the President of the Central Reserve Bank and of the Superintendent of Banking and Insurance;

(c) To approve supplementary credits, and transfers and credits from the budget during the parliamentary recess;

(d) To exercise such legislative powers as Congress may delegate to it. Matters relating to constitutional reform or approval of international treaties, organizational laws, the Budget Act and the General Accounts of the Republic Act may not be delegated to the Standing Commission.

115. Among the powers of Congress, we would mention the following:

(a) To enact laws and legislative decrees, and to interpret, amend or repeal existing laws and decrees;

(b) To ensure that the Constitution and the laws are respected, and to order appropriate action in order to give effect to the liability of violators;

(c) To approve treaties, in conformity with the Constitution;

(d) To approve the budget and the general accounts;

(e) To authorize borrowings, in accordance with the Constitution;

(f) To exercise the right of amnesty;

(g) To approve territorial demarcation as proposed by the Executive;

(h) To give consent to the entry of foreign troops on to the territory of the Republic, provided that national sovereignty is in no way thereby affected;

(i) To authorize the President of the Republic to leave the country.

2. The legislative function

116. Congress may enact special laws in response to the requirements of a particular situation, but not on account of differences between persons.

117. No law may have retroactive force or effect, except in criminal matters where the law favours the defendant; a law may be repealed only by another law. The Constitution does not protect abuse of the law.

118. Congress may delegate to the Executive the power to legislate, by means of legislative decrees, on a specific matter and for a particular period as established in the enabling law. These legislative decrees are subject to the same provisions as those which apply for the law. Matters that are classified as non-delegable may not be delegated to the Standing Commission.

119. No bill may be enacted without having been previously approved by the relevant consultative commission, except where provided for in the rules of procedure of Congress. Draft legislation of an urgent character submitted by the Executive has priority before Congress.

3. The formulation and promulgation of laws

120. The President of the Republic and the members of Congress have the right of initiative in the formulation of laws. The other branches of State authority, the autonomous public institutions, the municipalities and the professional associations have the same right in matters within their competence.

121. Citizens who exercise the right of initiative in accordance with the law also have this right.

E. The Judiciary

122. The power to administer justice emanates from the people and is exercised by the Judiciary through its hierarchical organs in accordance with the Constitution and the laws.

123. In any proceedings, if there is incompatibility between a constitutional provision and a legal provision, the judges give precedence to the former. Similarly, they give precedence to the legal provision over any other provision of lower rank.

124. The following are principles and rights of the jurisdictional function:

(a) Unity and exclusiveness of the jurisdictional function. The military and arbitral jurisdictions are recognized as independent jurisdictions;

(b) Independence in the exercise of the jurisdictional function. No authority may assume jurisdiction in cases pending before a jurisdictional organ or interfere in the exercise of its functions;

(c) The observance of due process and jurisdictional protection. No person may be diverted from the jurisdiction predetermined by law or subjected to proceedings other than those previously established;

(d) The public nature of proceedings, except where provided for by law. Judicial proceedings in which the defendants are public officials, those involving press crimes and those which relate to fundamental rights guaranteed by the Constitution are always public;

(e) Written substantiation of judicial decisions in all instances, except for purely procedural orders;

(f) Plurality of instances;

(g) Compensation, in the form determined by law, for miscarriages of justice in criminal trials and for arbitrary detention, without prejudice to any liability that may be determined;

(h) The principle of not failing to administer justice because of a lacuna or deficiency in the law. In such a case, the general principles of written law and customary law apply;

(i) The principle of the non-applicability by analogy of the criminal law and of provisions which restrict rights;

(j) The principle of no punishment without a trial;

(k) The application of the law most favourable to the defendant in the event of doubt or conflict between criminal laws;

(l) The principle whereby no defendant may be sentenced in absentia;

(m) The prohibition of the reopening of proceedings closed by means of an enforceable judgement;

(n) The principle whereby no defendant may be deprived of the right of defence at any stage of the proceedings;

(o) The principle that every person must be informed, immediately and in writing, of the causes of or reasons for his arrest;

(p) The principle that the administration of justice is free, and that defence is free for needy persons and for all persons in the cases specified by law;

(q) Popular participation in the appointment and removal of judges, in accordance with the law;

(r) The obligation of the Executive to extend such cooperation as may be requested of it in proceedings;

(s) Prohibition of the exercise of the judicial function by anyone who has not been appointed in the manner provided for by the Constitution or the law;

(t) The principle that every person has the right to make analyses and criticisms of judicial decisions and sentences, within the limitations of law;

(u) The right of remand and sentenced prisoners to occupy decent premises;

(v) The principle that the purpose of the prison regime is re-education, rehabilitation and reintegration of the prisoner into society.

125. The Constitution also stipulates that the death penalty may be imposed only for the offence of treason in time of war and terrorism, in accordance with the laws and treaties to which Peru is a party.

126. The Judiciary is made up of jurisdictional organs which administer justice in the name of the Nation and by organs by which it is governed and administered.

127. The jurisdictional organs are: the Supreme Court of Justice and such other courts as may be determined by the Judiciary's organization act.

128. The President of the Supreme Court is also President of the Judiciary. The plenary Supreme Court is the highest deliberating body of the Judiciary.

129. The State guarantees to judges:

(a) Their independence; they are subject only to the Constitution and the law;

(b) Irremovability from their posts; they may not be transferred without their consent;

(c) Permanency of tenure, provided their conduct and ability are commensurate with their office;

(d) Remuneration which assures them a standard of living appropriate to their responsibility and seniority.

130. In order to be a judge of the Supreme Court of Justice, a person must:

(a) Be Peruvian by birth;

(b) Have citizenship rights;

(c) Be at least 45 years of age;

(d) Have been a Higher Court judge or senior government procurator for 10 years or have practised as a lawyer or held a university chair in a legal discipline for 15 years.

131. Lastly, it should be borne in mind that the Constitution has granted the power to exercise the judicial function, for the purposes of the execution of their customary law, to the rural and native communities with the support of the rural patrols. The law will establish the forms of coordination of this special jurisdiction with the magistrates' courts and the other instances of judicial authority.

F. The National Council of the Judiciary

132. The National Council of the Judiciary is an independent and autonomous organ which is responsible for the selection and appointment of judges and procurators, except when the latter are elected by the people.

133. Justices of the peace are appointed on the basis of a popular election, organized in accordance with the law.

134. The National Council of the Judiciary has the following functions:

(a) Appointment, on the basis of a public competitive examination and personal evaluation and with the approval of two thirds of its members, of judges and procurators at all levels;

(b) Confirmation of the appointment of judges and procurators at all levels every seven years;

(c) Enforcement of the penalty of dismissal in the case of members of the Supreme Court and Senior Government Procurators and, at the request of the Supreme Court or the Board of Senior Government Procurators, judges and procurators at all instances;

(d) Awarding to judges and procurators the official title accrediting their status.

135. The Peruvian Constitution establishes the composition of the National Council of the Judiciary and the requirements for membership.

G. The Public Prosecutor's Department

136. The Public Prosecutor's Department is autonomous and presided over by the Attorney-General of the Nation, who is elected by the Board of Senior Government Procurators.

137. The term of office of the Attorney-General of the Nation is three years, which may be extended by re-election for a further two years. The members of the Public Prosecutor's Department have the same rights and prerogatives and are subject to the same obligations as those of the Judiciary in the relevant category.

138. The Public Prosecutor's Department has the following functions:

(a) Promoting, ex officio or on application, judicial action in furtherance of legality and of the public interests safeguarded by law;

(b) Ensuring the independence of the jurisdictional organs and the proper administration of justice;

(c) Representing society in judicial proceedings;

(d) Conducting the investigation of an offence from its outset. To this end, the National Police are obliged to fulfil the mandates of the Public Prosecutor's Department within the context of their function;

(e) Instituting criminal proceedings ex officio or on application;

(f) Expressing an opinion prior to judicial decisions in the cases provided for by law;

(g) Taking the initiative in the formulation of laws, and reporting to Congress or the President of the Republic on lacunae or deficiencies in legislation.

H. The Ombudsman

139. One of the principal innovations of the new Peruvian Constitution is the institution of the Ombudsman, which is separate from the Public Prosecutor's Department.

140. The Ombudsman is autonomous, and public bodies are obliged to collaborate with him whenever he so requests.

141. The Ombudsman is elected and removed by Congress; in order to be elected Ombudsman a person must be at least 35 years of age and be a lawyer. The office carries a five-year term and is not subject to a binding mandate.

142. It is the responsibility of the Ombudsman to safeguard the constitutional and fundamental rights of the individual and the community, and to supervise fulfilment of the duties of the State administration and the performance of public services.

143. The Ombudsman submits a report to Congress once a year or whenever the latter so requests. He may take the initiative in the formulation of laws and may propose measures to facilitate the more effective performance of his functions.

I. The National Electoral Board

144. In conformity with Peru's Constitution, the purpose of the electoral system is to ensure that elections allow citizens to express themselves authentically, freely and spontaneously and that ballots are an accurate and timely reflection of the will of the electorate as expressed in the ballot box by direct vote.

145. The Board's basic functions are to plan, organize and hold elections, referendums or other popular votes; to maintain and keep a single register of personal identities and to register all acts affecting civil status.

146. The electoral system comprises the National Electoral Board, the National Electoral Procedures Office and the National Identity and Civil Status Registry.

147. The National Electoral Board is responsible, inter alia, for:

(a) Ensuring the lawfulness of ballots and electoral procedures, referendums and other popular votes;

(b) Maintaining and keeping the register of political organizations;

(c) Ensuring compliance with the rules relating to political organizations;

(d) Proclaiming candidates elected.

148. The highest authority of the National Electoral Board is the plenary, composed of five members as follows:

(a) One member elected by secret ballot by the Supreme Court from among its judges, either retired or serving. If in office, the judge is granted leave of absence and it is he who presides over the Board.

(b) One member elected by secret ballot by the Board of Senior Government Procurators from among retired or serving senior procurators; in this case too, the elected judge is granted leave of absence;

(c) One member elected by secret ballot by the Lima Bar Council from among its members;

(d) One member elected by secret ballot by the Deans of the Law Faculties of public universities from among former deans;

(e) One member elected by secret ballot by the Deans of the Law Faculties of private universities from among former deans.

149. The 1993 Constitution lays down certain eligibility requirements for representatives of the National Electoral Board: for example, they may not be younger than 45 or older than 60; they are elected for a four-year period, and may be re-elected, albeit alternately, after two years. The position is full-time and paid.

150. As far as conditions of ineligibility for the National Electoral Board are concerned, the 1979 Constitution used to disqualify any persons exercising positions of responsibility in political organizations, or who had held such positions in the six years preceding their candidacy. This has now changed, and the period has been reduced to four years.

151. At present, the head of the National Electoral Procedures Office is appointed by the National Council of the Judiciary for a renewable four-year period; he may be dismissed for serious negligence and is subject to the ineligibility conditions attached to membership of the National Electoral Board. The head of the National Identity and Civil Status Register is also appointed by the National Council of the Judiciary for a renewable four-year period, and is responsible for registering births, marriages, divorces and deaths.

152. The National Electoral Board may nullify the whole electoral procedure if the number of void and blank votes is more than two thirds of the total number of votes cast, unlike under the 1979 Constitution, when the proportion was one third of the valid votes cast nationally.

153. Votes are counted publicly in the presence of the representatives of the political parties in order to ensure transparency. Peruvians who live abroad may vote at Peruvian consulates.

154. Since 1980, the population has been called to vote four times; three times for elections and once for a referendum in which the Constitution was approved.

155. The 1979-1980 elections were governed by Decree-Law No. 14250; they led to the election, for a five-year period, of the President of the Republic, senators and deputies who remained in office from 1980 to 1985. Fernando Belaúnde Terry was elected President and a total of 60 senators and 180 deputies were elected for the whole country.

156. Alan García Perez was elected President for the 1985-1990 period, along with 60 senators, and 180 deputies.

157. Alberto Fujimori Fujimori was elected President for the 1990-1995 period. On 5 April 1992 he dissolved Congress and called for elections, under Decree-Law No. 25684, of the Democratic Constituent Congress with 80 representatives.

158. The referendum of 31 October 1993 approved Peru's Constitution.

III. TREATIES IN PERU

159. Under Peru's 1993 Constitution, treaties entered into by Peru are part of national law. The fourth transitional clause stipulates that all rules relating to constitutional rights and freedoms shall be interpreted in conformity with the Universal Declaration of Human Rights and such international treaties and agreements in that respect as Peru has ratified.

160. In order for treaties to be legally binding, they must be ratified by the President of the Republic. However, treaties relating to certain matters must be approved by Congress prior to being ratified by the President.

161. The matters requiring prior approval by Congress are the following:

(a) Human rights;

(b) The sovereignty, authority or integrity of the State;

(c) National defence;

(d) The State's financial commitments.

In addition, the Constitution stipulates that all treaties which either introduce, amend or cancel taxes, which require laws to be amended or abrogated or which require legislative measures in order for them to come into force must be approved by Congress before they are ratified by the President of the Republic.

162. Treaties in areas other than those referred to above may, however, be entered into or ratified by the President of the Republic without the need for prior approval from Congress, although the President must keep Congress informed.

163. In addition, if the treaty has a bearing on provisions of the Constitution, it must be approved by the same procedure as for constitutional reform, before it may be ratified by the President. This procedure is governed by article 206 of the Constitution.

164. Authority to denounce treaties is vested in the President of the Republic, who is required to report thereon to Congress. In order to denounce treaties that require congressional approval, prior approval from Congress is also required.

165. As regards the procedure for the adoption of treaties, when Peru has negotiated a treaty with other States or international organizations through its representatives and has signed the treaty, it must express its consent to be bound by the treaty and to fulfil its obligations. This consent is given by ratification.

166. Once treaties have been approved by Congress, where the law requires, they must be ratified by the President of the Republic. This is because it is not sufficient for a treaty to be signed by representatives who have negotiated it, as their signature is not binding upon the State.

167. Peru's representatives must possess the proper credentials. However, the State is under no obligation to ratify a treaty, nor is there a specific deadline within which a treaty must be ratified.

IV. BODIES PROTECTING HUMAN RIGHTS

168. Peru's 1979 Constitution, the highest law binding on all citizens, within the framework of full observance of human rights, as stated in its preamble, for the first time instituted the Public Prosecutor's Department as an autonomous organ with the obligation to "initiate, either ex officio or by application, judicial proceedings to uphold the law, the rights of citizens and such public interests as are protected by the law" and to "act as ombudsman in respect of the administration".

169. Until the 1979 Constitution came into effect, the Public Prosecutor's Department was considered to be an integral part of the Judiciary. Then in 1979 the Government of Peru, as the foundation of the country's human rights system, gave the Public Prosecutor's Department responsibility for protecting human rights. Under the present system, responsibility for protecting constitutional and fundamental rights lies with the Office of the Ombudsman, a new institution which was established under Peru's 1993 Constitution.

170. In this regard, Legislative Decree No. 052 (Public Prosecutor's Department Organization Act), promulgated on 16 March 1981, stipulates in its article 1 that "the Public Prosecutor's Department is an autonomous State agency whose principal function is to defend legality, the rights of citizens and the public interest ...".

171. Subsequently the Office of the Attorney-General instituted the Offices of Ombudsman and Procurator for Human Rights for the Whole Nation, charged with assuming jurisdiction over and investigating complaints of human rights violations, protecting the constitutional and fundamental rights of individuals and of the community, as well as ensuring that the State administration performs its duties and that public services are made available to citizens.

172. In order to implement the National Pacification Plan and to provide guidance and support for all the efforts made to bring about peace in Peru and to ensure full respect for human rights, the Peace Council was instituted under Legislative Decree No. 652; the Council is composed of the representatives of different national sectors and sits in the capital and in each of the country's regions.

173. Subsequently, under Decree-Law No. 25993, the Organization Act relating to the Judiciary was approved, stipulating that the National Council for Human Rights shall be the agency responsible for promoting, coordinating and advising on protection for and the observance of fundamental individual rights. This Council is governed by Supreme Decree No. 038-93-JUS, of 7 October 1993, its main aim being to help develop a sound awareness of the need to respect fundamental individual rights. The establishment of the Council fulfils some of the principles laid down by the main international human rights instruments, in so far as it allows the formulation of policies, mechanisms and measures for the full protection of human rights, among public and non-governmental human rights bodies.

174. In addition, in its effort to strengthen Peru's system of legal protection for human rights, the Government has adopted further domestic legislation. By RM (ministerial decision) No. 0629-91-IN/GI, the Ministry of the Interior set up human rights offices as integral parts of the Prefectures, Sub-Prefectures, Governorships and Sub-Governorships. In addition, RM No. 668-A-91-IN/DM, dated 15 August 1991, established the National Human Rights Committee as a coordination and monitoring body within the Ministry of the Interior.

175. This shows that domestic human rights legislation has been strengthening and consolidating the protection of human rights. Now, bodies that lacked human rights committees organize programmes on human rights defence policies and machinery as a means of improving social harmony.

176. Subsequently, on 26 June 1992, with Decree-Law No. 25992, the Government introduced penalties for officials or civil servants responsible for disappearances together with regulations governing the Register of Complaints relating to Disappeared Persons, as a means of securing the right to personal liberty, a fundamental individual right which every democratic Government should protect. Within this framework, under decision No. 342-92-MP/FN of the Attorney-General's Office, dated 10 June 1992, the Register of Complaints relating to Disappeared Persons was set up under the responsibility of the Offices of the Special Procurator for Human rights and the Ombudsman.

177. As a result of the adoption of Peru's 1993 Constitution, responsibility for defending the constitutional and fundamental rights of the individual and of the community, amongst others, was vested in the Office of the Ombudsman, under the terms of chapter nine, section four, where it is specified that the Ombudsman is appointed and dismissed by Congress and that he is responsible for defending the constitutional and fundamental rights of the individual and of the community.

178. As a transitional measure, all government procurator's offices have been given responsibility for dealing with complaints relating to human rights violations. Complaints relating to disappeared persons are dealt with by the Registry of Disappeared Persons.

179. Act No. 26295 established the National Register of Detainees and Persons Sentenced to Custodial Sentences, the purpose of which is to secure the human rights of detainees and of persons sentenced to imprisonment.

180. In 1991 the Technical Commission for Displaced People was set up to deal with families displaced from their places of origin by terrorist violence. On 9 October 1993, the Programme of Support for the Population (PAR) was established in order to assist the return of displaced people to their places of origin. On 10 April 1994 the Interministerial PAR Committee was set up, in order to coordinate and implement action by the Ministries of Health, Education, Transport, Agriculture, Defence, Industry and the Office of the President.

181. On 5 February 1993, the internal rules of the Democratic Constituent Congress were adopted, establishing among its commissions the Pacification and Human Rights Commission, whose role is to secure the fundamental and constitutional rights of individuals.

182. Despite all the existing human rights legislation, non-governmental organizations are allowed to operate in this area without any form of restriction.